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REMARKS

Applicant has amended the claim 1 and added new claim 8. Applicant respectfully submits that the amendments to the claims are supported by the application as originally filed and do not contain any new matter. In addition, Applicant respectfully submits that these claims as amended would not be properly rejected based upon the art of record in the parent application for the reasons set forth below.

Firstly the Examiner has objected to the claims 1 through 8 and pointed out portions of claim 1 which require amendment. Applicant has amended the claim 1 as suggested by the Examiner and respectfully requests that the rejection be withdrawn.

The Examiner has rejected the claims 1 through 6 under 35 USC 103 as being obvious over Burgmann et al. stating that Burgmann et al. discloses a sealing device comprising a rotor 25d mounted on a shaft 3 and a stator 6d mounted to a housing 2, a movable floating ring 19d mounted to a seal gap between the rotor and the stator, the floating ring has an annular notch 22d and a concavoconvex pattern 23d on its surface and the floating ring appears to have a length greater than a thickness, but does not disclose the ratio of 3:1; however, it is the Examiner's opinion that it is obvious to discover the optimum of all workable ranges.

In reply to this rejection, Applicant would like to first point out that Burgmann et al. does not contain a floating ring. Instead, Applicant respectfully submits that element 19 is fixed and does not rotate and its rotation is prevented by element 22. Still further, Applicant respectfully submits that element 19 is in direct contact with element 18 and with element 23 and there is no seal gap. In contrast thereto, in Applicant's invention during rotary action, the floating ring is floating in a well balanced and proper position in the oil. Still further, Applicant respectfully submits that the seal lip in Burgmann et al. is not spaced from the face due to centrifugal force when it rotates (see column 7, lines 29-32). Still further, Applicant respectfully submits that the thickness to length ratio in Burgmann et al. appears to be 1/2 or less; however, in Applicant's invention the thickness to length ratio is 1/3 or less as is described at paragraph 0056 of Applicant's application. Applicant respectfully submits that this provides an advantage in that, as described in paragraph 0056 of Applicant's application, since it is 1/3 or less, no oil leakage occurs and this is a critical advantage of Applicant's

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invention and is not merely an optimum of workable range. Still further, Applicant respectfully submits that drawings are not to scale in patent applications and the dimensions of the elements cannot be relied upon and should be given little significance (see MPEP 2125).

In view of the above, therefore, Applicant respectfully submits that the claims 1 through 6 and 8 are not obvious over Burgmann et al.

In view of the above, therefore, it is respectfully requested that this Amendment as part of this Request for Continued Examination be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

  
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Signature \_\_\_\_\_ Date 7/8/2008